

REMARKS

By the above actions, claims 1, 11, 12, and 15 have been amended. In view of the amendments made and the following remarks, reconsideration of this application is requested.

Claims 1-10, 23 and 24 have been rejected under 35 USC § 103 as being unpatentable over the Toepper et al. Patent (hereafter, Toepper) while claims 11, 12 and 14-22 were rejected over the Hoffmann et al. Patent (hereafter, Hoffmann) when viewed in combination with Toepper. To the extent that these rejections relate to the claims as now presented, they are inappropriate for the following reasons.

Independent claim 1 now recites the fact that the screw flights of the present invention extend “in parallel” from an inlet end part of the conveyor screw to an outlet end part of the conveyor screw, and that the radially shorter of the screw flights is “continuous along the full length thereof.” However, the screw flights of Toepper are not parallel (see, Fig. 6 of Toepper) and the shorter screw flight is not continuous along a length that extends from an inlet end part of the conveyor screw to an outlet end part of the conveyor screw, but rather is as series of half-turn flight segments that extends between ends of longer half-turn flight segments (see, Figs. 7 and 8 of Toepper). It is also pointed out that Toepper’s screw is a blender screw “for mixing electrostatographic developer” and is unsuitable for conveying a viscous ice cream mass through a freezer unit as is the function of the conveyor screw of the present invention. Thus, Toepper is totally incapable of in anyway leading one of ordinary skill to the present invention as defined by the present claims, and most certainly cannot render it obvious to such a person.

As for Hoffman, while it relates to a type of apparatus that is analogous to that of the present invention, their conveying screw 47 has but a single flight, as recognized by the Examiner. In addition to the differences between the screw of Toepper and that of the present invention noted above, the simple fact is that no one of ordinary skill would take a blender screw for mixing electrostatographic developer and use it in a flow-through freezer for ice cream, especially when it is clearly incapable of functioning as a conveyor screw in such an environment. Thus, the combination of these two references would not have been obvious

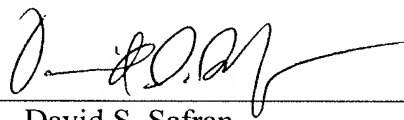
and even if the modification proposed by the Examiner were made, the claimed invention would not result.

In view of the foregoing, reconsideration and withdrawal of the outstanding rejections under § 103 are in order and are hereby requested.

The prior art cited, but not applied, by the Examiner has been taken into consideration in formulation of this response. However, since this art was not found to be sufficiently relevant by the Examiner to apply against the claims as originally presented, no detailed comments thereon are believed to be warranted at this time.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

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